

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JIMMY T. RUIZ,

Case No. 2:17-CV-420 JCM (GWF)

Plaintiff(s),

ORDER

V.

EQUIFAX INFORMATION SERVICES, LLC,
et al.,

Defendant(s).

Presently before the court is defendant Innovis Data Solutions, Inc.’s (“IDS”) motion to dismiss. (ECF No. 20). Plaintiff Jimmy T. Ruiz filed a response (ECF No. 23), to which IDS replied (ECF No. 27).

Also before the court is plaintiff's motion to amend. (ECF No. 24). IDS has not filed a response, and the period to do so has since passed.

Federal Rule of Civil Procedure 15(a) provides that “[t]he court should freely give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2). The United States Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave. In *Foman v. Davis*, the Supreme Court explained:

In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc.—the leave sought should, as the rules require, be “freely given.”

371 U.S. 178, 182 (1962).

Pursuant to Local Rule 7-2(d), “the failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion.” LR 7-2(d).

1 Thus, by failing to file a timely response, IDS has consented to the granting of plaintiff's motion
2 to amend. *See United States v. Hvass*, 355 U.S. 570, 574–75 (1958) (holding that local rules have
3 the force of law).

4 Local Rule 15-1(a) states that “the moving party shall attach the proposed amended
5 pleading to any motion to amend . . .” LR 15-1(a). Plaintiff has attached a proposed amended
6 complaint to his motion. (ECF Nos. 24, 24-1).

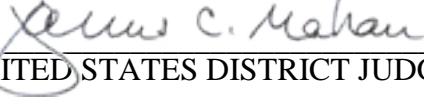
7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that IDS's motion to dismiss
9 (ECF No. 20) be, and the same hereby is, DENIED as moot.

10 IT IS FURTHER ORDERED that plaintiff's motion for leave to amend (ECF No. 24) be,
11 and the same hereby is, GRANTED.

12 IT IS FURTHER ORDERED that plaintiff shall file an amended complaint identical to that
13 attached to his motion to amend (ECF No. 24-1) within seven (7) days from the date of this order.

14 DATED June 21, 2017.

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16 UNITED STATES DISTRICT JUDGE

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